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Washington, Wednesday, August 17, 1938

The President

EXECUTIVE ORDER

**AMENDMENT OF EXECUTIVE ORDER NO. 6928
OF DECEMBER 24, 1934**

By virtue of and pursuant to the authority vested in me by the act of March 26, 1934, 48 Stat. 466, as amended (5 U. S. C. 118 c), section 4 of Executive Order No. 6928 of December 24, 1934, prescribing regulations for payment of losses sustained by officers, enlisted men, and employees of the United States in foreign countries on account of appreciation of foreign currencies in their relation to the American dollar, is hereby amended by deleting Austria and the schilling at 13.36 cents from the list of countries, monetary units, and basic rates.

This order shall become effective September 1, 1938, and beginning on that date the computation of losses sustained by employees in service in the former state of Austria will be upon the basic rate for the German reichsmark.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 13, 1938.

[No. 7955]

[F. R. Doc. 38-2395; Filed, August 15, 1938;
2:29 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

**AGRICULTURAL ADJUSTMENT
ADMINISTRATION**

ORDER AMENDING ORDER REGULATING HANDLING IN INTERSTATE COMMERCE, AND SUCH HANDLING AS DIRECTLY BURDENS, OBSTRUCTS, OR AFFECTS INTERSTATE COMMERCE, OF MILK IN THE LA PORTE COUNTY, INDIANA, MARKETING AREA

Whereas, pursuant to Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, hereinafter called the "act," the Secre-

tary of Agriculture, hereinafter called the "Secretary," on September 24, 1937, tentatively approved a marketing agreement¹ regulating the handling in interstate commerce, and such handling as directly burdens, obstructs, or affects interstate commerce, of milk in La Porte County, Indiana, Marketing Area; and

Whereas, on November 9, 1937, the Secretary issued Order No. 20,² which regulates the handling of milk in the La Porte County, Indiana, Marketing Area in the same manner as the aforesaid tentatively approved marketing agreement, said order being effective November 13, 1937; and

Whereas, the Secretary, having reason to believe that an amendment should be made to said tentatively approved marketing agreement and to said order, gave, on the 27th day of May 1938, notice of a hearing³ to be held on the 3rd day of June 1938, at La Porte, Indiana, on a proposed amendment to said tentatively approved marketing agreement and said order, and at said time conducted a public hearing at which all interested parties were afforded an opportunity to be heard; and

Whereas, after such hearing, and after the tentative approval by the Secretary on July 15, 1938, of an amendment to said tentatively approved marketing agreement, handlers of more than 50 percent of the volume of milk, covered by said order as hereby amended, which is marketed within the La Porte County, Indiana, Marketing Area, refused or failed to sign such tentatively approved marketing agreement, as amended, and

Whereas, the Secretary determined on the 9th day of August 1938, said determination being approved by the President of the United States on the 12th day of August 1938,⁴ that said refusal or failure to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of said act and that the issuance of this amendment to said order is

¹ 2 F. R. 1943 (2375 DI).

² 2 F. R. 2443 (2841 DI).

³ 3 F. R. 1227 DI.

⁴ See Page 2018.

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the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area and is approved or favored by more than two-thirds (2/3) of the producers who participated in a referendum thereon conducted by the Secretary on July 23, 1938, and who, during the month of May 1938 (said month being determined by the Secretary to be a representative period) were engaged in the production of milk for sale in the La Porte County, Indiana, Marketing Area; and

Whereas, this order, as hereby amended, regulates the handling of such milk in the same manner as the aforesaid tentatively approved marketing agreement, as amended, and is applicable only to handlers defined in such tentatively approved marketing agreement, as amended; and

Whereas, the Secretary finds upon the evidence introduced at the hearing upon such proposed amendment, said findings being in addition to the findings made upon the evidence introduced at the hearing on said order, said original findings being herewith ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth:

1. That the prices, ascertained in accordance with sections 2 and 8e of the

aforesaid act, which will give milk sold in the marketing area a purchasing power equivalent to the purchasing power of milk during the base period, August 1919–July 1929, are not reasonable in view of the price of feeds, the available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, but that the minimum prices established herein do reflect such factors, will insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

2. That this order, as hereby amended, and all the terms and conditions thereof will tend to effectuate the declared policy of the aforesaid act.

Now, therefore, the Secretary, pursuant to the authority vested in him by said act, hereby orders that Order No. 20 regulating the handling in interstate commerce, and such handling as directly burdens, obstructs, or affects interstate commerce, of milk in the La Porte County, Indiana, Marketing Area, issued November 9, 1937, be and it is hereby amended as follows:

1. Delete paragraph 3 of section 1 of article I and substitute therefor the following:

"3. 'La Porte County, Indiana, Marketing Area,' hereinafter called the 'Marketing Area,' means the townships of Scipio, Pleasant, Kankakee, Center, Cool Spring, Michigan, Springfield, Galena, and Hudson, all in La Porte County, Indiana."

2. Delete paragraph 5 of section 1 of article I and substitute therefor the following:

"5. 'Producer' means any person, irrespective of whether such person is also a handler, who produces milk which is delivered to a plant from which milk is sold in the Marketing Area."

3. Delete paragraph 6 of section 1 of article I and substitute therefor the following:

"6. 'Handler' means any person, irrespective of whether such person is also a producer, who purchases or receives milk from producers, associations of producers or other handlers, all or a portion of which milk is sold as milk in the Marketing Area, and who, on his own behalf or on behalf of others, engages in such handling of milk as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce."

4. Delete section 1 of article III and substitute therefor the following:

"SECTION 1. *Sales and use classification.*—Milk received by each handler, including milk produced by him, if any, shall be classified by the Market Administrator as follows:

"1. Class I milk shall be all milk sold or given away in the form of milk, all milk used to produce cream for consumption as cream, and all milk not

specifically accounted for as Class II milk.

"2. Class II milk shall be all milk specifically accounted for (a) as being sold, distributed or disposed of other than as milk or cream and (b) as actual plant shrinkage within reasonable limits."

5. Add the following sections to article III:

"SEC. 3. *Computation of butterfat in each class.*—For each delivery period, the Market Administrator shall compute for each handler the butterfat in each class, as set forth in section 1, as follows:

"1. Determine the total pounds of butterfat received as follows: (a) multiply the weight of the milk received from producers by the average butterfat test; (b) multiply the weight of the milk produced by him, if any, by the average butterfat test; (c) multiply the weight of the milk received from handlers, if any, by the average butterfat test; and (d) add together the resulting amounts.

"2. Determine the total pounds of butterfat in Class I milk as follows: (a) convert to quarts the quantity of milk sold or given away in the form of milk, and multiply by 2.15; (b) multiply the result by the average butterfat test of such milk; (c) multiply the actual weight of cream used for consumption as cream by its average butterfat test; (d) add together the amounts computed pursuant to (b) and (c) of this paragraph; and (e) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk computed pursuant to paragraph 3 of this section is less than the total pounds of butterfat received, computed in accordance with paragraph 1, an amount equal to the difference shall be added to the quantity of butterfat determined pursuant to (d) of this paragraph.

"3. Determine the total pounds of butterfat in Class II milk as follows: (a) multiply the actual weight of the several products of Class II milk by the average butterfat test; (b) multiply the weight of a quantity of milk equal to the plant shrinkage (which shall be within reasonable limits) by the average butterfat test of milk received from producers; and (c) add together the resulting amounts.

"4. Determine the classification of the butterfat received from producers as follows:

"(a) Subtract from the total pounds of butterfat in each class the total pounds of butterfat which were received from other handlers and used in such class.

"(b) In the case of a handler who also distributes milk of his own production, subtract from the total pounds of butterfat in each class a further amount which shall be computed as follows: divide the total pounds of butterfat in said class by the total pounds of butterfat in all classes and multiply by the

total pounds of butterfat produced by him.

"SEC. 4. *Computation of milk in each class.*—For each delivered period, the Market Administrator shall compute for each handler the hundredweight of milk in each class, which was received from producers and to which the prices set forth in article IV apply, as follows:

"1. Divide the total pounds of butterfat computed for each class in accordance with paragraph 4 of section 3 of this article by the average test of all milk received from producers by such handler."

6. Delete sections 1, 2, and 3, of article IV and substitute therefor the following:

"SECTION 1. *Class Prices.*—Each handler shall pay producers, at the time and in the manner set forth in article VIII, not less than the following prices for milk delivered at the handler's plant:

"Class I milk.—\$2.42 per hundredweight.

"Class II milk.—The price per hundredweight which shall be calculated by the Market Administrator as follows: Multiply by 3.8 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture, for the delivery period during which such milk is delivered, and add 30 percent thereof: *Provided*, That for a quantity of Class II milk not to exceed 10 percent of the Class I milk sold by the handler, the handler shall pay the price which shall be calculated by the Market Administrator as follows: Multiply by 3.8 the average price per pound of 92-score butter at wholesale in the Chicago market as reported by the United States Department of Agriculture, for the delivery period during which such milk is delivered, and add 10 percent thereof."

7. Delete paragraph 1 of section 1 of article VI and substitute therefor the following:

"1. The Market Administrator shall, subject to the condition set forth in paragraph 2 of this section, exclude from the computations made pursuant to section 1 of article VII, the quantity of milk produced by a handler which is sold, used or distributed by such handler: *Provided*, That where any such handler has purchased milk from other producers, the value of the milk so purchased shall be computed under section 1 of article VII as follows: The quantity of such milk shall be ratably apportioned among such handler's total Class I and Class II sales (after excluding purchases, if any, from other handlers) and multiplied by the Class I and Class II prices, respectively."

8. Delete paragraph 3 of section 1 of article VI and substitute therefor the following:

"3. The Market Administrator shall consider as Class II milk any milk or cream sold in bulk by any such handler, who has not exercised the option set forth in paragraph 2 of this section, to

another handler operating a bottling or processing plant. If such buying handler uses or sells such milk or cream other than in Class II the Market Administrator shall, with respect to the total value computed for such buying handler pursuant to section 1 of article VII, add the difference between (1) the value of such milk or cream at the Class II price and (2) the value at the Class I price."

9. Delete sections 2 and 3 of article VII and substitute therefor the following:

"SEC. 2. *Computation and Announcement of Uniform Prices.*—1. The Market Administrator shall compute for each handler and announce the uniform prices per hundredweight of milk delivered to such handler during each delivery period, except the delivery periods of June, July, August, and September, as follows:

"(a) From the total value of milk computed for such handler pursuant to section 1 of this article, subtract the sum obtained from multiplying by the Class II price the total quantity of milk, if any, received from producers who did not regularly sell milk for consumption in the Marketing Area during a period of 30 days next preceding November 13, 1937;

"(b) If the Class I milk of such handler is greater than the base milk received by him from producers, subtract a sum equal to the base milk times the Class I price;

"(c) If the Class I milk of such handler is less than the base milk received by him from producers, subtract a sum equal to the excess milk times the Class II price;

"(d) Divide the remaining sum of money by the excess milk if (b) of this paragraph be true, or by the base milk if (c) of this paragraph be true, to secure the blended price for excess milk or for base milk, as the case may be.

"2. The Market Administrator shall compute for each handler the uniform price per hundredweight of milk received by such handler during each June, July, August, and September delivery period as follows:

"(a) From the total value of milk computed for such handler pursuant to section 1 of this article, subtract the sum obtained from multiplying by the Class II price the total quantity of milk, if any, received from producers who did not regularly sell milk for consumption in the Marketing Area during a period of 30 days next preceding November 13, 1937:

"(b) Divide by the total quantity of milk received from producers other than the milk represented by the amount subtracted under (a) of this paragraph.

"3. On or before the 10th day after the end of each delivery period notify such handler and make public announcement of the uniform prices computed for him pursuant to this section and of the Class II price.

"SEC. 3. *Base rating.*—During each delivery period, except the delivery periods of June, July, August, and September, the base of each producer shall be a quantity

of milk to be calculated by the Market Administrator in the following manner: Multiply the rating, if any, effective pursuant to section 4 of this article, by the number of days on which milk was received from such producer during such delivery period. Milk received from a producer not in excess of his base shall be designated as 'base milk' and that received in excess of his base shall be designated as 'excess milk.'"

10. Delete section 1 of article VIII and substitute therefor the following:

"SECTION 1. *Time and Method of Payment.*—1. On or before the 15th day after the end of each delivery period, other than the delivery periods of June, July, August, and September, each handler shall, with respect to milk purchased outside the State of Indiana or received at the handler's plant outside the State of Indiana during such delivery period, make payment to producers from whom such milk was received, subject to the butterfat differential set forth in section 3 of this article, as follows:

"(a) To any such producer who did not regularly sell milk during a period of 30 days next preceding November 13, 1937, to a handler or to persons within the Marketing Area, at the Class II price for all the milk received from such producer during the period beginning with the first regular delivery of milk from such producer and continuing until the end of two full calendar months following the first day of the next succeeding calendar month; and

"(b) To all other such producers, at the uniform prices per hundredweight for base milk and for excess milk computed for such handler pursuant to paragraph 1 of section 2 of article VII.

"2. On or before the 15th day after the end of each June, July, August, and September delivery period, each handler shall, with respect to milk purchased outside the State of Indiana or received at the handler's plant outside the State of Indiana during such delivery period, make payment to producers from whom such milk was received, subject to the butterfat differential set forth in section 3 of this article, as follows:

"(a) To any such producer who did not regularly sell milk during a period of 30 days next preceding November 13, 1937, to a handler or to persons within the Marketing Area, at the Class II price for all the milk received from such producer during the period beginning with the first regular delivery of milk from such producer and continuing until the end of two full calendar months following the first day of the next succeeding calendar month; and

"(b) To all other such producers, at the uniform price per hundredweight computed for such handler pursuant to paragraph 2 of section 2 of article VII."

11. Delete the phrase "4 percent" from section 3 of article VIII and substitute therefor the phrase "3.8 percent."

In witness whereof, H. A. Wallace, Secretary of Agriculture, does hereby

execute in duplicate under the official seal of the Department of Agriculture, and issue this amendment to the said order in the city of Washington, District of Columbia, on the 15th day of August, 1938, and declares this amendment to be effective on and after 12:01 a. m., central standard time, August 20, 1938.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-2394; Filed, August 15, 1938; 1:35 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

BUREAU OF ANIMAL INDUSTRY

[Amendment 1 to B. A. I. Order 367]

AMENDMENT TO REGULATIONS GOVERNING THE APPRAISEMENT OF AND COMPENSATION FOR TUBERCULOUS, PARATUBERCULOUS, AND BANG'S DISEASE REACTING CATTLE CONDEMNED AND DESTROYED

Under the authority conferred by law upon the Secretary of Agriculture, the regulations governing the appraisement of and compensation for tuberculous, paratuberculous, and Bang's disease reacting cattle condemned and destroyed in the control and eradication of tuberculosis, paratuberculosis, and Bang's disease of animals, issued under date of June 25, 1938,¹ and effective July 1, 1938, are hereby amended in the following particulars:

Section 2, regulation 2, is amended to read as follows:

REGULATION 2, SECTION 2. For cattle condemned and destroyed on account of tuberculosis or paratuberculosis, or, after May 1, 1939, on account of Bang's disease, no payment shall exceed the amount paid or to be paid by the State, Territory, county, and municipality where the animal is condemned.

Section 6, regulation 4, is amended to read as follows:

REGULATION 4, SECTION 6. No payment will be made for any cattle condemned and destroyed on account of tuberculosis or paratuberculosis, or, after May 1, 1939, on account of Bang's disease, except in cooperation with the State, Territory, county, or municipality where the animal is condemned; and no such payment shall exceed the amount paid or to be paid by such cooperating State, Territory, county, and municipality.

This amendment, which for the purpose of identification is designated as Amendment 1 to B. A. I. Order 367, shall be effective on and after August 17, 1938.

Done at Washington this 16th day of August, 1938.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-2398; Filed, August 16, 1938; 11:59 a. m.]

¹ 3 F. R. 1527 DI.

TITLE 19—CUSTOMS DUTIES

BUREAU OF CUSTOMS

[T. D. 49677]

COAL, COKE, AND BRIQUETS FROM THE SOVIET UNION

EXTENSION OF COMMERCIAL AGREEMENT BETWEEN THE UNITED STATES AND THE UNION OF SOVIET SOCIALIST REPUBLICS UNTIL AUGUST 6, 1939

AUGUST 13, 1938.

To Collectors of Customs and Others Concerned:

The President has proclaimed, effective August 6, 1938, the extension until August 6, 1939 of the commercial agreement between the United States and the Union of Soviet Socialist Republics proclaimed August 6, 1937 (T. D. 49118).¹

In view of the foregoing, coal, coke made from coal, and coal or coke briquets produced in the Union of Soviet Socialist Republics, imported directly or indirectly therefrom, and entered for consumption or withdrawn from warehouse for consumption during the period from January 1 to December 31, 1938, inclusive, should be released as unconditionally free merchandise without any deposit on account of the tax provided for in section 601 (c) (5) of the Revenue Act of 1932, as amended, by virtue of section 601 (a) of said Act. T. D. 49444² is amended accordingly.

In this connection, attention is invited to T. D. 49674.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

[F. R. Doc. 38-2396; Filed, August 15, 1938; 3:37 p. m.]

TITLE 20—FISH AND GAME

BUREAU OF FISHERIES

[No. 251-24-5]

ALASKA FISHERY REGULATIONS

AUGUST 15, 1938.

By virtue of the authority contained in the act of June 26, 1906 (34 Stat. 478, 480), as amended by the act of June 6, 1924 (43 Stat. 464), as amended by the act of June 18, 1926 (44 Stat. 752), as amended by the act of April 16, 1934 (48 Stat. 594), the regulations for the protection of the fisheries of Alaska published in Department of Commerce Circular No. 251, twenty-fourth edition, issued under date of February 15, 1938, together with subsequent regulations,³ are hereby amended by the following regulation:

SOUTHEASTERN ALASKA AREA

Eastern and Western Districts

Salmon fishery.—Alaska general regulation No. 1⁴ is hereby amended so as to

¹ 2 F. R. 1386 (1658 DI).

² 3 F. R. 655 DI.

³ 3 F. R. 451, 512, 1019, 1382, 1940 DI.

⁴ 3 F. R. 451 DI.

permit the holding of salmon in traps in the Eastern and Western districts of the Southeastern Alaska area 72 hours after the termination of the fishing season.

[SEAL] DANIEL C. ROPER,
Secretary of Commerce.

[F. R. Doc. 38-2397; Filed, August 16, 1938; 11:55 a. m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Adjustment Administration.

DETERMINATION WITH RESPECT TO PROPOSED ORDER, AS AMENDED, REGULATING HANDLING OF MILK IN THE LA PORTE COUNTY, INDIANA, MARKETING AREA

Whereas, the Secretary of Agriculture, hereinafter called the "Secretary", pursuant to the powers and functions vested in him by the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, hereinafter called the "act", having reason to believe that the issuance of an amendment to a tentatively approved marketing agreement and to the order theretofore issued with respect to the handling of milk in the La Porte County, Indiana, Marketing Area would tend to effectuate the declared policy of the act, gave, on the 27th day of May 1938, notice of a hearing¹ to be held on the 3rd day of June 1938, at La Porte, Indiana, on a proposed amendment to said tentatively approved marketing agreement and to said order, at which time and place all interested parties were afforded an opportunity to be heard on the proposed amendment; and

Whereas, after such hearing and after the tentative approval by the Secretary of an amendment to said tentatively approved marketing agreement, handlers of more than 50 percentum of the volume of milk covered by such order, as amended, which is produced or marketed within the La Porte County, Indiana, Marketing Area, refused or failed to sign such marketing agreement, as amended, relating to milk;

Now, therefore, the Secretary, by virtue of the authority vested in him by the above-mentioned act, hereby determines:

1. That the refusal or failure of said handlers to sign said marketing agreement, as amended, tends to prevent the effectuation of the declared policy of said act;

2. That the issuance of an amendment to said order² is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area; and

3. That the issuance of the amendment to said order is approved or favored

¹ 3 F. R. 1227 DI.

² See Page 2015.

by over two-thirds of the producers who, during the month of May 1938, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area, and who participated in a referendum conducted by the Secretary on July 23, 1938.

In witness whereof, H. A. Wallace, Secretary of Agriculture, does hereby execute and issue in duplicate this determination under his hand and the official seal of the Department of Agriculture in the city of Washington, District of Columbia, this 9th day of August, 1938.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

Approved:

FRANKLIN D. ROOSEVELT
The President of the United States.

Dated: Aug 12 1938.

[F. R. Doc. 38-2393; Filed, August 15, 1938;
1:35 p. m.]

INTERSTATE COMMERCE COMMISSION.

[No. MC C-90]

RATES FOR COMMODITIES, ATLANTIC PORTS TO NORTH CAROLINA

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 13th day of May, A. D. 1938.

The said Division having under consideration the subject of the rates, charges, rules, regulations, and practices applicable to the transportation of certain commodities, by common carriers by motor vehicle from and to points as hereinafter described:

It is ordered, That an investigation be, and it is hereby, instituted by the said Division, on its own motion, into and concerning the reasonableness and lawfulness otherwise of rates and charges, and the rules, regulations and practices relating thereto, applicable to the transportation of canned goods, dried beans or peas, dried or evaporated fruits, rice and salt, from Wilmington, N. C., Norfolk, Portsmouth and Richmond, Va., to points in North Carolina on traffic originating at points on the Pacific Coast, Gulf and North Atlantic ports, and moving into Wilmington, Norfolk, Portsmouth and Richmond, via water, with a view to making such findings in the premises and prescribing such just, reasonable, and otherwise lawful rates, rules, regulations and practices, if any, as the facts and circumstances shall appear to warrant:

It is further ordered, That all common carriers of property by motor vehicle subject to the Motor Carrier Act, 1935, operating between the points and participating in the transportation described in the next preceding paragraph hereof, be, and they are hereby, made respondents to this proceeding, that this order

be served upon said respondents, and that notice to the public be given by posting a copy of this order in the office of the Secretary of the Commission.

It is further ordered, That the said proceeding be, and it is hereby, referred to Examiner W. W. McCaslin for hearing on the 20th day of September, A. D. 1938, at 9 o'clock a. m. (standard time), at the Monticello Hotel, Norfolk, Virginia.

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within ten days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 38-2399; Filed, August 16, 1938;
12:33 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of August, A. D. 1938.

[File No. 43-132]

IN THE MATTER OF THE DAKOTA POWER COMPANY

ORDER CONCERNING EFFECTIVENESS OF DECLARATION

The Dakota Power Company, subsidiary of General Public Utilities, Inc., a registered holding company, having filed a declaration, as amended, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale of \$250,000 principal amount of General Mortgage 7% Gold Bonds, authorization of September 1, 1923 (and to change the name of such bonds and the bonds now outstanding under the General Mortgage to "First Mortgage Bonds"), \$337,000 principal amount of 4% promissory notes due April 1, 1956, and 13,222.91 shares of common stock of \$10 par value to General Public Utilities, Inc.:

A hearing on this declaration having been held after appropriate notice; the Commission having examined the record in such matter:

It is ordered, That such declaration be and become effective forthwith on the condition however that the issue and sale of the aforesaid securities shall be effected in compliance with the terms

and conditions set forth in and for the purposes represented by such declaration as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-2402; Filed, August 16, 1938;
12:54 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of August, A. D. 1938.

[File No. 46-103]

IN THE MATTER OF GENERAL PUBLIC UTILITIES, INC.

ORDER APPROVING APPLICATION

General Public Utilities, Inc., a registered holding company, having filed an application, as amended, pursuant to Section 10 of the Public Utility Holding Company Act of 1935 to secure the approval of the acquisition by it of \$250,000 principal amount of General Mortgage 7% Gold Bonds, authorization of September 1, 1923 (the name of which is to be changed to First Mortgage 7% Bonds), \$337,000 principal amount of 4% promissory notes due April 1, 1956, and 13,222.91 shares of common stock of \$10 par value to be issued by its subsidiary, The Dakota Power Company;

A hearing on such application having been held after appropriate notice; the Commission having examined the record in this matter:

It is ordered, That such application, as amended, be and hereby is approved provided that the applicant file with the Commission within ten days after making such acquisition a certificate stating that such acquisition was effected in compliance with the terms and conditions set forth in and for the purposes represented by such application, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-2401; Filed, August 16, 1938;
12:53 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of August, A. D. 1938.

[File No. 56-6]

IN THE MATTER OF COMMUNITY POWER AND LIGHT COMPANY AND SOUTHWESTERN ELECTRIC COMPANY

ORDER APPROVING APPLICATION

Community Power and Light Company, a registered holding company and its wholly owned non-utility subsidiary,

Southwestern Electric Company, having filed a joint application, pursuant to Rule U-12D-1,¹ for the approval of the sale of \$300,000 principal amount of New Mexico Utilities Company 5% General Mortgage Bonds, due November 1, 1955, to William Rosenblatt, 27 William Street, New York, New York, at 92½ net, together with accrued interest;

¹ 3 F. R. 927, 1540 DI.

A hearing on such application having been held after appropriate notice;² and the Commission having considered the record in this matter:

It is ordered, That the above application be and the same hereby is approved provided that the applicants file with the Commission, within ten days following the sale of the aforesaid securities, a cer-

² 3 F. R. 1878 DI.

tificate stating that such sale was effected in compliance with the terms and conditions and for the purposes represented by said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-2400; Filed, August 16, 1938;
12:53 p. m.]